

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION

77

April 22, 2003

FROM: MICHAEL E. HAYS, Director
Land Use Services Department/Code Enforcement Division

SUBJECT: APPEAL OF PLANNING COMMISSION DECISION TO DENY A SPECIAL USE
PERMIT: APPLICANT: DEBRA WOODWARD; FILE/INDEX: N/A; APN: 3067-
311-13; COMMUNITY: PINON HILLS

RECOMMENDATION:

1. **CONDUCT** a public hearing on TUESDAY, APRIL 22, 2003, at 10:00 A.M. to consider an **APPEAL** of a Planning Commission decision to deny a Special Use Permit (SUP) for educational animal projects; Applicant: Debra Woodward; File/Index: N/A; APN: 3067-311-13; Community: Pinon Hills.
2. **DENY** the appeal, **UPHOLD** the Planning Commission action, and **DENY** the request for the subject Special Use Permit.
3. **ADOPT** the findings as recommended by the Planning Commission.

BACKGROUND INFORMATION: On July 22, 2002, Debra Woodward submitted an application for a Special Use Permit (SUP) for animals at a greater density than the Development Code permits as provided for in San Bernardino County Code Section 84.0560(e) when the animals are to be used for educational purposes. Project notices were mailed to all contiguous property owners, and the subject property owner, and nine letters of opposition and one letter in favor of the project were returned to staff by August 9, 2002. Two field inspections were made August 12, 2002, and September 10, 2002. At both inspections, it was determined that there were 18 large animals (1 buffalo, 17 horses), 5 medium animals, (goats) and less than 50 fowl. Per Section 84.0560(h) of the San Bernardino County Development Code, the property in question would be allowed to have 9 large animals, 3 medium animals, and up to 9 female fowl per species per lot, and no more than 9 male fowl with a maximum of two per species, as an accessory use. Other than the number of animals on site, without a SUP, no violations were noted, and the SUP was issued to Ms. Woodward on September 16, 2002.

On September 27, 2002, seven appeals to staff's decision to issue the permit were filed with the Planning Commission by surrounding property owners. On February 20, 2003, the Planning Commission conducted a public hearing on the appeals. San Bernardino County Code Section 84.0560(e) permits, "Accessory animal raising of densities greater than or of animal types different from those specified by this section shall be subject to a Special Use Permit (e.g. Educational animal projects or temporary grazing operations)." The applicant presented documents showing that their son is involved in 4-H.

Record of Action of the Board of Supervisors

CONTINUED TO TUE, 5/13/03 @ 10 A.M.

**BOARD OF SUPERVISORS
COUNTY OF SAN BERNARDINO**

MOTION	<u>MOVE</u>	<u>AYE</u>	<u>AYE</u>	<u>AYE</u>	<u>SECOND</u>
	1	2	3	4	5

J. RENEE BASTIAN, CLERK OF THE BOARD

BY _____

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The opponents based their objections to the project on the total large number of animals on the property, and the position that the 4-H project for one child should be able to be accommodated within the Code's permitted number of animals. They also objected to a perceived lack of maintenance on the site, particularly of the animal enclosure areas, and the impact on surrounding property owners.

On March 6, 2003, the Planning Commission issued their decision to grant the appeal and overturn staff's approval of the SUP based on findings that the approval of additional animals is not compatible with the surrounding community because the area is semi-rural and supports some animal uses, but not at the densities proposed. The Commission also found that the impacts from the increased number of animals would have an adverse effect on surrounding property owners and their use of their property. In addition, the Commission felt that the number of animals proposed under the SUP, and on the property, far exceeds what could reasonably be expected for one 4-H project participant to manage and/or require to accomplish an educational purpose, and that a 4-H educational project should be able to be accommodated within permitted animal densities. As the applicant stated that she intended to maintain the maximum animal density permitted as an accessory use, a SUP for educational purposes, if otherwise appropriate, would only be appropriate for a very slight increase in animal density, rather than the large number of additional animals proposed by the applicant.

On March 17, 2003, Debra Woodward filed an appeal of the Planning Commission's decision to the Board of Supervisors on the grounds that they meet all requirements of the Code. Staff concurs with the Planning Commission's action, and recommends that the Board of Supervisors deny the appeal based on the Planning Commission's findings.

REVIEW BY OTHERS: This item has been reviewed by Deputy County Counsel, Matthew Marnell, on April 9, 2003, Deputy County Counsel Robin Cochran on April 14, 2003, and by County Administrative Office, Patricia M. Cole, Administrative Analyst III on April 13, 2003. The Planning Commission hearings were conducted on February 20, 2003 and March 6, 2003.

FINANCIAL IMPACT: There are no financial impacts associated with the scheduling of this item.

SUPERVISORIAL DISTRICTS(S): 1st

PRESENTER: Paul B. Tavares, Division Chief - Code Enforcement Division, 387-9050